IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTEENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 8419 of 2005

Between:

1 D. Sanyasi Rao, s/o. Late D.Y. bhukta,
R/o. D.No.49-55-6, Vidyut Nagar, Akkayyapalem, Visakhapatnam.
2 D. Dharma Rao, s/o. Late D.Y. Bhukta,
R/o. D.No.49-55-6, Vidyut Nagar, akkayyapalem, Visakhapatnam.

..... PETITIONERS

AND

1 The Mandal Revenue officer, Visakhapatnam (Rural),

Near Visakha Vally School, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring the order issued by the 1st respondent in the proceedings Rc.No.99/2000/A/dt.1.2.2005, as illegal, arbitrary, without authority and violative of principles of natural justice and consequently, direct the respondents not to dispossess the petitioners from the land admeasuring Ac.5-20 cents in Sy.No.127/2 situated at Madhurawada Village, Visakhapatnam Rural Mandal, Visakhapatnam District

Counsel for the Petitioners: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR REVENUE

This Court at the stage of admission made the following:

ORDER:

This writ petition is filed aggrieved by the order passed by the first respondent, dated 01.02.2005, whereunder the “D” Form patta granted in favour of the mother of the petitioners was cancelled and the land was resumed to the Government.

Though the learned Counsel for the petitioners raised various contentions assailing the impugned order dated 1-2-2005, I am not inclined to go into the same since admittedly against the said order an efficacious alternative remedy of Appeal is available. The petitioners state that they have already preferred such Appeal, but the 2nd respondent who is the appellate authority failed to consider the same and no orders have been passed even on their application for stay.

The grievance of the petitioners is that in the meanwhile the respondents are taking steps to dispossess them on the basis of the impugned order dated 1-2-2005.

Having regard to the facts and circumstances of the case and having heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents and keeping in view the fact that the petitioners have already filed the statutory appeal, and the same is pending before the second respondent, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to dispose of the application seeking stay of the order of cancellation, dated 01.02.2005, in the appeal filed by the petitioners, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order. Till such time, the status-quo obtaining as on today as to the nature and possession of the land in question shall be maintained. No order as to costs.

G.ROHINI, J

15.04.2005

DR

To

1 The Mandal Revenue officer, Visakhapatnam (Rural),

Near Visakha Vally School, Visakhapatnam.
2 The Revenue Divisional Officer, Visakhapatnam.

3 2 CCs to Government Pleader for Revenue,

High Court Buildings, Hyderabad.

4 2 CD copies